



Department of Planning, Housing, & Community Development

Mayor, Richard C. David
Director, Jennie Skeadas-Sherry AICP

City of Binghamton Zoning Board of Appeals Application

Dear Applicant:

Prior to completing the attached application form, please read this memo. It provides general instructions on completing the application form and gives a brief overview of the process.

1. Please complete the attached application form.
2. The Zoning Board of Appeals convenes at 5:15 p.m. every month on the first Tuesday of the month in the Council Chambers of City Hall, unless otherwise posted.
3. The application, a site plan which includes the information required by the "Site Plan Checklist," the checklist itself, short form environmental assessment form (EAF) and an application fee **must** be submitted before the Planning Department will begin to process an application. A copy of the Site Plan Checklist and Fee Schedule is attached (If you need assistance determining your fee, Planning Department staff will gladly assist you).
4. Prior to submitting an application, you must attend at least one Tuesday afternoon pre-development meet to discuss your project with City Staff. Appointments can be made with Planning Staff.

The purpose of the pre-development meeting is to address technical issues, to identify potential concerns, to consider other involved or interested agencies (*e.g.* NYSDEC, NYSDOT, Broome County Health Dept., CAUD, etc.) and to review information likely to be necessary to refer the application to the Zoning Board of Appeals.

5. Once Planning Department staff determines that the application and plans are complete, the application will be scheduled to appear before the Zoning Board of Appeals. The referral of the application to the Zoning Board of Appeals does not constitute an endorsement of the application by the Planning Department, but merely that the information is sufficient to refer the application for review. The Zoning Board of Appeals may have other comments and may require additional information.
6. The deadline to submit an application, along with all required information, for consideration by the Zoning Board of Appeals, is the first Wednesday of each month.
7. Complete applications for Zoning Board of Appeals will be set for an immediate public hearing for the month following the submittal deadline.
8. Under New York State law, an application to the Zoning Board of Appeals for an area or use variance requires a public hearing. **This requirement cannot be waived.** Upon receiving a complete application and fee, a legal notice will be prepared by the Planning Department staff. The legal notice will be run in the Press and Sun Bulletin for one day, at least seven days before the scheduled public hearing (excluding the hearing date). You will be responsible for reimbursing the City for the cost to run the legal notice in the newspaper.

9. In accordance with the City's Zoning Ordinance, all landowners within 100 feet of the affected property must be sent a copy of the legal notice. The Planning Department staff will prepare the list of landowners within 100 feet of the affected property and mail each a copy of the notice. You will be responsible for the cost to mail the legal notice which is approximately **\$4.64** for each landowner. The number of landowners that must be contacted varies according to the size of the affected property.
10. Sign(s) must be posted on your property regarding the requested variance. The sign(s), prepared by staff, will contain information specific to your project, such as the time, date, and location of the hearing, and the proposed action. One sign is required for every 300 linear feet of property frontage. The sign(s) must be placed in either the front yard or a visible window when no front yard exists. If the property is a corner lot, one sign must be placed in each front yard. The sign(s) must be posted at least seven days prior to the hearing (excluding the hearing date). The Planning Department will provide you with a sign(s) at a cost of **\$50.00 per sign**. When an undamaged sign(s) is returned to the Planning Department, you will receive a **\$40.00** refund for each sign within approximately ten business days.
11. Although attendance at the public hearing is not required by the Zoning Ordinance, we **strongly** urge you or someone on your behalf (such as a lawyer, engineer, or architect) to attend this meeting. In the event the Zoning Board members have questions and you are not present to answer them, the Board will most likely table your case until the next meeting.

All applicants are urged to view copy of the City's Zoning Ordinance to check compliance and to facilitate the application. The Ordinance may be viewed by on the City's Website www.binghamton-ny.gov. If you have any questions upon completing the application, please feel free to contact the Planning Department at (607) 772-7028.



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In order for the Planning Department, Planning Commission and / or the Zoning Board of Appeals to accurately review your project in a timely manner, plan sets submitted with planning applications must be complete and thorough. A comprehensive understanding of this handout and submittal of all required documents and plans ensures an efficient review of your project.

Unless otherwise noted or determined by staff to not be required, the following information and drawings must be included in the submittal package for your application. For an application to be accepted, each and every item is required at the time of application submittal.

THE FOLLOWING ITEMS ARE REQUIRED FOR ALL APPLICATIONS

☐ **(1) Basic Application for Development Review**

- This application form signed and completed. Original signatures or clear & legible copies are required.

☐ **(2) Supplemental Forms and Findings**

- Explanation of how the proposal complies with City requirements (forms provided by staff).

☐ **(3) Plans**

- One (1) stapled and folded set of full-sized plans (no greater than 24" x 36") and One (1) additional set of reduced plans (no greater than 11" x 17") are required for all applications. Staff reserves the right to require additional copies.
- An electronic (PDF) copy of all plans shall be delivered by email or provided via approved storage device to be retained by the City.
- **Include** north arrow, date prepared and scale.
- Acceptable drawing scales are: 1/4" = 1', 3/16" = 1', 1/8" = 1', 1" = 10', 1" = 20', 1" = 30'. Other scales may be appropriate, but should be discussed with Planning staff before filing. Also, please limit the range of scales used, so staff can more easily analyze your project in relation to adjacent properties.
- As appropriate or required, include the stamp and "wet signature" of any New York State licensed design professional (architect, landscape architect, surveyor and/or civil engineer) responsible for plans.

☐ **3(a) Site Plan including the following information**

☐ Title Block including the following information:

- project title
- street address
- tax i.d. number
- name, address and phone number of property owner
- name, address and phone number of applicant if different than property owner
- name(s), address(es) and phone number(s) of person(s) who prepared plans

- revision date block

☐ Bulk Table listing all relevant existing and proposed property and development information, including but not limited to:

- lot area, existing and proposed
- floor area, existing and proposed
- footprint area, existing and proposed
- total square footage of all existing and proposed parking areas, including driveways and maneuvering aisles
- front, side and rear setbacks of buildings and parking areas
- number of existing and proposed full sized and compact parking spaces
- building height, existing and proposed

☐ Location and dimensions of all property boundaries.

☐ Location of all existing and proposed overhead and underground utilities including but not limited to water, sewer, drainage, gas, electric, and telecommunication mains, pipes, connections, devices.

☐ Location of all existing and proposed easements.

☐ Location and dimensions of all existing and proposed buildings, decks, stairs, and patios.

☐ Dimensions of all existing and proposed building setbacks from property lines.

☐ Location of building footprints and approximate height of buildings on adjacent lots.

☐ Location, dimensions, and paving materials of all existing and proposed sidewalks, curbs, curb-cuts (including curb-cuts on adjacent neighbor's lots), and streets including pavement markings. Location of emergency vehicle access if different than existing public way(s).

☐ Location and dimension of all existing and proposed driveways, garages, carports, parking spaces, loading areas, maneuvering aisles, wheel-stops, pavement striping/markings, and directional signage. Indicate existing and proposed paving materials, parking lot grades, turning movements, curb radius and aisle widths.

☐ Location and dimension of all existing and proposed handicap accessible facilities, including handicap parking, access ways and wheelchair ramps.

☐ Location and dimension of snow storage areas.

☐ Location, height, and building materials of all existing and proposed fencing and walls.

☐ Location, height (including top and bottom elevation measurements), and building materials of all existing and proposed retaining walls.

☐ Location and size (dbh) of all existing trees and indication of any trees to be removed.

☐ Location of drainage ways, creeks, and wetlands.

THE FOLLOWING ITEMS ARE REQUIRED AS NOTED FOR PROJECTS INVOLVING NEW STRUCTURES, ADDITIONS, DEMOLITION, EXTERIOR ALTERATIONS, PARKING AREAS, AND CHANGES OF USE, OR AS DETERMINED BY STAFF.

☐ **3(b) Landscape Plan (required for all projects subject to Landscaping and Buffering requirements set forth in the Binghamton Zoning Code and any project requiring an Urban Runoff Reduction Plan)**

- Indicate any existing landscaping that is to be removed or retained.
- Indicate the size, species, location, and method of irrigation for all plantings.
- Include all existing and proposed groundcovers, driveways, walkways, patios, and other surface treatments.
- Snow storage areas.
- Tree Canopy Cover plan, analysis and details on the method of canopy cover calculation is required for any project subject to Zoning Code Section 410.55C(4).

☐ **3(c) Floor Plan**

- Include complete floor plan of all floors of entire building, including existing and proposed work.
- Label all rooms (e.g., bedroom, kitchen, bathroom), and include dimensions of room sizes.
- Show the location of all existing and proposed doors, windows, and walls.
- For non-residential projects: show all existing and proposed seating areas, mechanical/kitchen equipment and/or other major functional components of the proposed project.
- Identify waste storage and disposal area(s), including detail(s) for dumpster(s) and dumpster pick-up (ref: Municipal Code Zoning Chapter 410-56)

☐ **3(d) Building Elevations (required only for new construction, additions, or exterior alterations)**

- Show all structural building elevations (front, sides and rear façades) that will be affected by the proposed project.
- For additions/alterations: label existing and new construction, as well as items to be removed.
- Identify all existing and proposed exterior materials - including roofing, roof eaves, eave brackets, siding, doors, trim, sills, windows, fences, and railings. Show details of proposed new exterior elements.
- Show any exterior mechanical, duct work, and/or utility boxes.
- Include dimensions for building height, wall length and identify existing and proposed floor elevation(s).

☐ **3(e) Sign Plan**

- Include fully dimensioned color elevations for all proposed signs.
- Indicate total square footage of existing signs and total square footage of proposed signs.
- Indicate existing and proposed sign location(s) on site plan.
- Indicate existing and proposed material(s) and method of lighting for all signs.

☐ **3(f) Lighting Plan (required only for non-residential, multi-family residential and mixed-use projects)**

- Show the type and location of all proposed exterior lighting fixtures (this may be combined with the Site Plan for small projects).

☐ **3(g) Survey (required only for the following project types listed below)**

- Must be no more than 3 years old from the time of submittal – date of survey must be included.
- Must be prepared by a New York State licensed Land Surveyor or by a Civil Engineer.

- Include the wet stamp and signature of the Land Surveyor or Civil Engineer who prepared the survey.

☐ For all new buildings (except small non-habitable buildings) and >100% footprint additions to existing buildings:

- Full boundary & topographic survey with field-verifiable monuments set or found by the surveyor and benchmark locations. Survey datum shall be based upon the State Plane Coordinate System tied into the North American Datum of 1983 (NAD 83).
- Location, dimensions, and distance to property lines of all existing buildings and similar structures.

☐ For any building or addition within any required setback:

- Applicable line survey with field-verifiable monuments set or found by the surveyor.
- Location dimensions and distance to property line of all existing buildings and similar structures that are adjacent to the applicable property line.

☐ For any building or addition located on a lot with a slope of 20% or more:

- Site topography for all areas of proposed work and for all existing driveways, buildings, and similar structures.
- Location and dimensions for all existing driveways, buildings, and similar structures.

☐ **3(h) Grading Plan (required only if the project proposes any site grading)**

- Show proposed grading plan and/or map showing existing and proposed topographic contours (this may be combined with the Site Plan for small projects with only minor grading).
- Include an erosion & sedimentation control plan.
- Include a summary table of all proposed excavation, fill, and off-haul volumes.

☐ **3(i) Urban Runoff Reduction Plan – see supplement form**

☐ **3(j) Storm Water Pollution Prevention Plan**

- A Storm Water Pollution Prevention Plan shall be required for any construction activity, including clearing, grading, excavating, soil disturbance or placement of fill, that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development.

☐ **(4) New York State Environmental Review Form**

- A short Environmental Assessment for is required for all Unlisted Actions, unless otherwise determined by staff.
- A long Environmental Assessment is required for all Type 1 Actions.

☐ **(5) Fees (all fees are due at the time of application submittal)**



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APPLICATION FEES

Zoning Board of Appeals:

- **Residential (1-2 units)**
 - Area Variance \$75.00
 - Use Variance
 - If lot is less than 2,500 square feet, the fee is \$150.00
 - If lot is greater than 2,500 square feet, the fee is \$150.00 plus \$.03 for every square foot over 2,500 square feet
- **Residential (3 or more units), Commercial, Industrial**
 - Area Variance \$100.00
 - Use Variance
 - If lot is less than 2,500 square feet, the fee is \$200.00
 - If lot is greater than 2,500 square feet, the fee is \$200.00 plus \$.03 for every square foot over 2,500 square feet
- **Expansion of a Non-Conforming Use**
 - If lot is less than 2,500 square feet, the fee is \$100.00
 - If lot is greater than 2,500 square feet, the fee is \$100.00 plus \$.03 for every square foot over 2,500 square feet
- **Request for an Interpretation/Appeal** \$100.00

There is a maximum fee of \$2,500.00.



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1. Property/Project Location Information

Address of Property: _____ Tax Map #: _____

Dimensions: Frontage _____ ft. Depth _____ ft. Square Footage: _____ sf

Zoning District: _____

2. Application for: Please check all that apply:

_____ Area Variance

_____ Use Variance

_____ Appeal

_____ Expansion of a Non-Conforming Use

3. Applicant: _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____

Email: _____

Applicant's relationship to property: ☐ Owner ☐ Contract Vendee ☐ Other _____

4. Property Owner: _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____

Email: _____

5. Contact Person: _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____

Email: _____

6. Engineer/Architect: _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____

Email: _____

7. Attorney: _____



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Address: _____
(Street) (City) (State) (Zip)

Telephone: _____

Email: _____

8. Please provide a description of the project:

9. For commercial establishments, please complete the following:

	<u>Existing</u>	<u>Proposed</u>
a) Number of customers per day:	_____	_____
b) Number of employees:	_____	_____
c) Hours of operation:	_____	_____
d) Days of operation:	_____	_____
e) Hours of deliveries:	_____	_____
f) Frequency of deliveries (check one):		
<input type="checkbox"/> Less than once a month	<input type="checkbox"/> Monthly	
<input type="checkbox"/> Biweekly	<input type="checkbox"/> Weekly	
<input type="checkbox"/> Several times a week	<input type="checkbox"/> Daily	

10. Is the site currently serviced by water, sanitary, and storm sewer lines? Yes ☐ No ☐

If serviced, are the lines large enough to accommodate the water and sewer needs of your proposed use?
Yes ☐ No ☐

If water and sewer lines are not present, how will they be provided?

11. Is the site within the 100-year floodplain? Yes ☐ No ☐

If yes, a floodplain development permit is required.

12. Is the site within a Historic District? Yes ☐ No ☐

If yes, design review from the Commission on Architecture and Design is required.

13. Is the site within the boundaries of the Local Waterfront Revitalization Program? Yes ☐ No ☐

If yes, Waterfront Advisory Committee Review is required.

14. Involved and Interested Agencies: Other than the Building & Construction Department of the City of Binghamton, list all other agencies from which a permit or approval will be required for this project:

_____ City Council (specify _____)



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- _____ Broome County (specify _____)
- _____ NYS Department of Environmental Conservation (specify _____)
- _____ NYS Department of Transportation (specify _____)
- _____ CAUD (specify _____)
- _____ Other (specify _____)

Please complete the following questions if you are applying for an **area variance**:

15. Please describe how the proposed project will positively impact the character of the neighborhood and why it will not be a detriment to nearby properties.
16. Please describe why the proposed project cannot be achieved without an area variance(s).
17. Please describe why you feel the proposed project is not substantial in nature.
18. Please describe any changes to the physical or environmental conditions in the neighborhood which may result from the proposed project.

Please complete the following questions if you are applying for a **use variance**:

19. Please answer the following questions to show that the current property owner is being deprived of all economic use or benefit from the property in question under the applicable zoning regulations. The deprivation must be established by competent financial evidence.
- a) Estimated cost of the proposed improvements/alterations to the property that necessitates the variance(s)? \$ _____
- b) How was this estimate determined? _____
- c) When was the property purchased? _____



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- d) What was the purchase price for the property? _____
- e) What is the present value of the property? If a professional appraisal has been done of the property, what is the appraised value? _____
- f) What are the monthly/annual expenses for the property?
1. Monthly mortgage: \$ _____
 2. Monthly heat/electric: \$ _____
 3. Monthly sewer/water: \$ _____
 4. Yearly taxes: \$ _____
 5. Yearly insurance: \$ _____
 6. Other: \$ _____
- g) Amount of outstanding debts against the property per month? \$ _____
- h) How much income is generated from the property per month: \$ _____
- i) What is the nature of this income (rent, sales, etc.)? _____
- j) Is your property currently for sale?
- Yes ☐ No ☐ (If No, please continue with question k)
1. How long has the property been for sale? _____
 2. How has it been advertised? _____
 3. How many offers have been made for the property and for how much? _____
 4. Is the property listed with a realtor? Yes ☐ No ☐
If Yes, please name the realtor: _____
- k) Have you previously tried to sell your property? Yes ☐ No ☐ (If No, please continue with question l)
1. How much were you asking for the property? _____
 2. How long was the property for sale? _____
 3. How was it advertised? _____
 4. How many offers were made for the property and for how much? _____
 5. Was the property listed with a realtor? Yes ☐ No ☐
If Yes, please name the realtor: _____
- l) Explain how you would be negatively affected in an economic or financial way if you did not obtain the variances requested. *Please do not comment on your personal financial situation, such as "I am on a small pension and need additional income" or "I am unemployed."* Your answer must address economic circumstances in relation to the property and its present inability to provide you with a reasonable financial return under the present zoning regulations.



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20. Please describe how the alleged hardship is unique to the property in question and does not apply to a substantial portion of the district or neighborhood.

21. Please describe how the proposed use would be compatible with the existing neighborhood and would not negatively impact traffic patterns, general safety, architectural character, property values, and the atmosphere of the area.

Please complete the following sections for **area and use variances**:

22. Did you do something to your property to cause the need for this variance (i.e. previous activities such as grading, excavation, additions, or improvements)?

23. Why can't the location, dimensions, or other size factors be reduced or modified to minimize the variance(s) requested?

Please complete the following sections for **expansion of non-conforming uses**:

24. Please explain why a "hardship and injustice" will occur if permission is not granted to alter, enlarge, reconstruct, move, or replace the non-conforming use.



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25. Please describe how the proposed alteration, enlargement, reconstruction, moving, or replacement of the non-conforming use would be compatible with the existing neighborhood and why it would not substantially reduce neighboring property values or otherwise substantially alter the character of the neighborhood.

By signing below, I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the variance(s). I/we also give the Planning Department staff and ZBA Members the right to access the premises (both interior and exterior) at reasonable times and upon reasonable notice for the purpose of taking photographs and conducting other visual inspections.

Date: _____

Applicant's Signature

Date: _____

Property Owner's Signature (if different than Applicant)